



Attorney Docket No. 59660 (44620)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Morris, et al.

**CONF. NO.:** not yet assigned

**APPLN SERIAL NO.:** 10/723,268

**ART UNIT:** not yet assigned

**FILED:** November 26, 2003

**EXAMINER:** not yet assigned

**FOR:** METHOD FOR SEX BIASING SPERMATOZOA

\*\*\*\*\*  
**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as First Class mail addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 3, 2004.

By: *Helen Murray Farbi*  
Helen Murray Farbi

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §§1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

**I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

a.  Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

a.  Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in a European Search Report.

b.  A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

c.  The following additional information is provided for the Examiner's consideration:

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)  
(check one box)

a.  within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.

b.  within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.

c.  before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):**  
(check one box)

a.  before the mailing date of a Final Office Action under 37 C.F.R. § 1.113  
(See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

b.  No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

or

c.  See the certification below. No fee is required.

VI. **CERTIFICATION UNDER 37 C.F.R. § 1.97(e)**  
(check only one box)

The undersigned hereby certified that

a.  each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, or

b.  no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

c.  some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R.. §1.97(d)

- a.  after the mailing date of a Final Rejection or Notice of Allowance but before the payment of the Issue Fee, and the requisite Certification, petition, and petition fee are included herein.
- b.  after the mailing date of a Final Office Action under 37 C.F.R. §1.113
- c.  see certificate above
- c.  a fee in the amount of \$180.00 is required by 37 CFR §1.17(p)
- e.  applicant hereby petitions that this Information Disclosure Statement is considered in accordance with 37 C.F.R. §1.97(d).

Enclosed is a check in the amount of \$180.00 for the above-indicated fee. Should any further fee be associated with the submission of this Information Disclosure Statement , the Commissioner is authorized to charge our Deposit Account No. 04-1105.

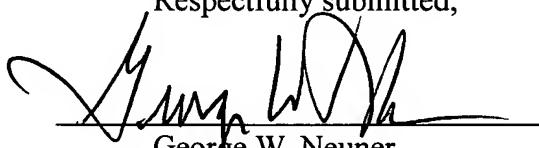
No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 04-1105.

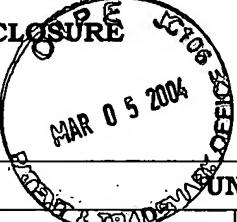
Also, please note that we have not yet received the Official Filing Receipt for this application.

Date: March 3, 2004

Respectfully submitted,

  
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<b>FORM PTO-1449</b> <b>INFORMATION DISCLOSURE STATEMENT</b> 			DOCKET NO:		APPLICATION NO.:		
			59660 (44620)		10/723,268		
			APPLICANT: Morris, et al.				
			FILING DATE: November 26, 2003		GROUP NO. Not yet assigned		
<b>UNITED STATES PATENT DOCUMENTS</b>							
EXAM. INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	A1 3,687,806	11/4/1969	Van Den Bovenkamp				
	A2 4,083,957	4/11/1978	Lang				
	A3 4,191,749	3/4/1980	Bryant				
	A4 5,021,244	6/4/1991	Spaulding				
	A5 5,514,537	5/7/1996	Chandler				
	A6 6,153,373	11/28/2000	Benjamin et al.				
	A7 6,489,092	12/3/2002	Benjamin et al.				
	A8 6,071,689	6/6/2000	Seidel et al.				
	A9 US 2003/0157475 A1	8/21/2003	Schenk				
<b>FOREIGN PATENT DOCUMENTS</b>							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO	
<b>OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)</b>							
	C1	Koo, et al., "Application of Monoclonal Anti-HY antibody for Human H-Y Typing", Human Genetics, 1981, pp. 64-67, vol 57, Springer-Verlag.					
	C2	Wassarman, "Fertilization in Mammals", Scientific American, (1988), December, pp. 78-84.					
	C3	Pursley, et al., "Effect of Time of Artificial Insemination on Pregnancy Rates, Calving Rates, Pregnancy Loss, and Gender Ration After Synchronization of Ovulation in Lactating Dairy Cows", 1998, J Dairy Sci 81:2139-2144.					
EXAMINER:				DATE:			